

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 984

Introduced by Assembly Member Calderon

February 26, 2015

An act to add Chapter 2.7 (commencing with Section 990) to Part 3 of Division 2 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 984, as amended, Calderon. Use of age information in employment.

Existing law, with specified exceptions, prohibits discrimination in employment based on, among other factors, race, gender, religious belief, and age. Existing law prohibits an employer from enforcing a compulsory retirement age when the employee has indicated in writing that he or she wishes to continue working and demonstrates the ability to perform the functions of the job adequately to the employer's satisfaction. Existing law restricts the disclosure of personal information, as defined, by a public agency or consumer credit agency that collects it.

~~This bill would state the intent of the Legislature to enact legislation that would protect the privacy of employees and potential employees and would prevent age discrimination in employment by limiting public distribution of age and birth information.~~

This bill would prohibit an employer from using information regarding a person's age in making any employment decision regarding that person. The bill would also provide that a commercial online entertainment employment service provider, as defined, who accepts

payment from persons in California to post resumes and other information online is subject to the antidiscrimination laws of California.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) According to studies, the Great Recession led to large
4 increases in unemployment rates and unemployment durations for
5 workers of all ages, but unemployment durations rose far more
6 for older workers than for younger workers.

7 (b) Statistics from the U.S. Equal Employment Opportunity
8 Commission show that in 2011, the commission received 23,465
9 formal filings alleging age discrimination, an increase of 35
10 percent from 2001.

11 (c) Age discrimination in any form is contrary to state policy
12 and discrimination on the basis of age in employment is a violation
13 of law.

14 (d) Despite being against state law and policy, age
15 discrimination continues to exist and is facilitated through public
16 distribution of a job applicant's or potential applicant's birth and
17 age information.

18 SEC. 2. Chapter 2.7 (commencing with Section 990) is added
19 to Part 3 of Division 2 of the Labor Code, to read:

20

21 CHAPTER 2.7. COMMERCIAL ONLINE ENTERTAINMENT
22 EMPLOYMENT SERVICE PROVIDERS

23

24 990. (a) An employer shall not use information obtained on
25 an Internet Web site regarding a person's age in making any
26 employment decision regarding that person, whether an applicant
27 for employment or an employee.

28 (b) A commercial online entertainment employment service
29 provider that knowingly accepts payment from persons in
30 California in exchange for posting their resumes and professional
31 photos online shall be considered as doing business in this state
32 and subject to the antidiscrimination laws of California.

33 (c) For purposes of this chapter, the following definitions apply:

1 (1) “Commercial online entertainment employment service
2 provider” means a person or business that owns, licenses, or
3 otherwise possesses computerized data that includes personal
4 information of people employed in the entertainment industry,
5 including television, films, and video games, and that makes the
6 personal information available to the public or potential employers.

7 (2) “Payment” means for a fee in exchange for advertisements,
8 or any other form of compensation or benefit.

9 ~~SECTION 1. It is the intent of the Legislature to enact~~
10 ~~legislation that would protect the privacy of employees and~~
11 ~~potential employees and would prevent age discrimination in~~
12 ~~employment by limiting public distribution of age and birth~~
13 ~~information.~~